



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Secretary Of State

RULE TYPE: Legislative

TITLE-SERIES: 153-43

RULE NAME: Regulation of Political Party
Headquarters Finances

CITE AUTHORITY: W. Va. Code § 3-8-2c

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Donald Kersey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

SERIES 43
REGULATION OF POLITICAL PARTY HEADQUARTERS FINANCES

§153-43-1. General.

1.1. Scope. -- This rule clarifies and provides for implementation of state law relating to the regulation of political party headquarters finance, reporting requirements and prohibited activities set forth under W. Va. Code § 3-8-2c.

1.2. Authority. -- W. Va. Code § 3-8-2c.

1.3. Filing Date. -- ~~May 14, 2013.~~

1.4. Effective Date. -- ~~May 14, 2013.~~

1.5. Sunset Provision. -- This Rule shall terminate and have no further force or effect on August 1, 2027.

§153-43-2. Definitions.

For purposes of this rule, the following definitions apply:

2.1. "Filing period" is a quarterly date when a financial report is required by § section 6 of this rule. The first report shall be filed ~~on~~ between January ~~31~~ 1 and 7, April ~~30~~ 1 and 7, July ~~31~~ 1 and 7, and October ~~31~~ 1 and 7, next following receipt of a contribution, or making of expenditure, in excess of \$250 in the aggregate.

2.2. "Party headquarters committee" or "Committee" as used in this rule ~~is a political headquarters committee provided for and~~ as defined in W. Va. Code §3-8-2c(a)(3) ~~and 3-8-2C(b)~~ includes any person, organization or group of persons soliciting or receiving contributions for the purpose of funding the lease, purchase, construction or financing of the lease, purchase, or construction of a party headquarters, including utilities, maintenance, furniture, fixtures, and equipment for the party headquarters, or for a county executive committee's headquarters.

2.3. "Obligated" is expenditures contracted to be paid at some later date.

§153-43-3. Contributions.

3.1. May be made by any individual, corporation, partnership, committee, or association and any other organization or group of individuals.

3.2. Limitations on sources of contributions are as determined in 146 CSR 3-~~§5~~.

3.3. Contributions to a committee, either in-kind or monetary, are independent of, and not included in, other aggregate total contribution limitations of ~~Article 8, Chapter 3, of the~~ W. Va. Code § 3-8-1 et seq.

3.4. Contributions may not be anonymous. Anonymous contributions which cannot be returned because the donor cannot be identified shall be donated to the General Revenue Fund.

3.5. Cash contributions from any one contributor may not total more than \$50 in United States or other country currency.

3.6. All contributions must be deposited and maintained in an account separate from any other accounts maintained by the committee, political party, treasurer, agent, or other person acting in behalf of the committee.

§153-43-4. Contribution Limitations.

4.1. No individual, or other identity listed in Section 3.1, may contribute more than \$10,000 in the aggregate.

4.2. The committee may not receive contributions of more than \$1,000,000 in the aggregate.

§153-43-5. Lawful Expenditures.

5.1. Contributions may be expended for purchase, construction or lease of the state headquarters of a political party.

5.2. Contributions may be expended for utilities, maintenance, furniture, fixtures and equipment

5.3. Contributions may not be used for satellite offices or expenditures related to satellite offices.

5.54. Contributions may not be used for political purposes.

§153-43-6. Contribution and Expenditures Reporting.

6.1. A committee, financial agent or other person or officer acting in behalf of a committee, must file a financial report in the filing period in which the committee first receives any contributions, or makes or obligates any expenditure, totaling \$250 in the aggregate.

6.2. Once an initial report has been filed in accordance with §Section 6.1, additional reports must be filed each reporting period thereafter until the committee is terminated. The report must be filed even if no contribution has been received, or expenditure made, during the filing period.

6.3. Reports may be filed electronically.

6.4. Reports are to be verified.

6.5. Reports are to be on forms prescribed by the Secretary of State.

§153-43-7. Registration and Termination of Committee; Disposal of Excess Funds.

7.1. Before accepting any contribution or obligating any expenditure, the committee must register with the Secretary of State providing all information required by W. Va. Code §3-8-2c(f)(2)(A)-

7.2. A Committee may terminate by filing a notice with the Secretary of State after all obligations have been met and all monies have been distributed.

7.3. Before terminating the committee, any unspent or unobligated funds may be contributed by the committee to any educational, cultural or charitable organization.